

UNITED STATES DEPARTMENT OF AGRICULTURE

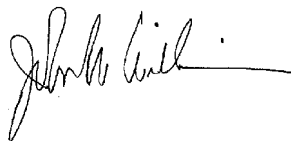
Farm Service Agency  
Washington, DC 20250

Notice PM-2212

**For:** FSA, RMA, and FAS Employees, Except Overseas Employees

**Using Annual Leave to Avoid Forfeiture  
and Exigency Information**

**Approved by:** Deputy Administrator, Management



**1 Overview**

**A**

**Purpose**

This notice provides employees with:

- notification that leave year (LY) 2000, has **27 pay periods** and will end on January 13, 2001

**Note: Employees, when calculating excess annual leave for LY 2000, must be sure to add in accruals for pay period 27.**

- facts, **annual leave** exceeding your maximum carryover ceiling **will be forfeited** if it is **not** used or donated on or before January 12, 2001
- notification that the scheduling and use of excess annual leave for LY 2000 shall be submitted to the employee's first line supervisor using SF-71, on or before COB November 17, 2000
- information on **donating excess annual leave** that might otherwise be forfeited
- **compensatory leave** rules
- information about **exigencies** of public business
- change to restoration usage period according to subparagraph 7 C.

**Disposal Date**

March 1, 2001

**Distribution**

All FSA, RMA, and FAS employees, except overseas employees; State Offices relay to County Offices

## 2 Maximum Annual Leave Carryover

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### A

#### 240-Hour Carryover Limit

Only 240 hours of regular annual leave may be carried forward into the new LY.

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### B

#### Exempted Employees

Employees, who are exempt from the 240-hour rule, may contact their servicing personnel office to verify the status of their exempted annual leave ceiling.

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### C

#### FAS Employees Reassigned to U.S.

Employees reassigned and returning to U.S., after serving overseas, fall back to a 240-hour annual leave ceiling. **However**, they may retain a higher ceiling of up to 360 hours of annual leave as long as their annual leave balance, **at the end of the LY, does not fall below** either of the following:

- 360 hours
- the leave ceiling they established upon their return.

**Note:** During the LY, a returning FAS employee's annual leave balance may fall below 360 hours or their established leave ceiling, **but** their annual leave balance at the end of the LY must have accrued back up to 360 hours or their desired leave ceiling **before the end of the LY** to retain the higher annual leave ceiling.

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## 3 Compensatory Time

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### A

#### Rules

Compensatory leave shall be used before annual leave, **except** when usage will obviously result in the forfeiture of annual leave at the end of the LY.

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### B

#### Time Limit

Compensatory leave may be used during the LY in which it is earned, but should be used no later than the end of the **LY following** the LY in which it was earned.

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### C

#### Unused Compensatory Time

Employees, who are unable to use their compensatory time within the timeframe mentioned in subparagraph B, shall be paid for their compensatory time at the overtime rate in effect when the compensatory time was earned.

**Note:** For payment of compensatory leave, employees shall contact their servicing personnel office.

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#### 4 Donating Excess Annual Leave

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##### A

##### Donations

Under the voluntary leave transfer program, Federal GS employees may donate their excess annual leave to another Federal GS employee or employees who are approved as leave recipients. CO County Office employees may also donate their excess annual leave, but only to an approved CO County Office recipient.

Donations at the end of the LY are limited to the lesser of the following:

- one-half of their accrued annual leave entitlement for LY 2000
- the number of scheduled workhours remaining in the LY.

Exemptions to these limitations may be granted by the leave transfer coordinator in your servicing personnel office **when the recipient being donated to is still in need of leave.**

**Note:** By law, Federal GS employees **cannot** donate to CO County Office employees or vice-versa.

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##### B

##### Eligible Recipients

For a list of approved leave recipients:

- **GS** employees may contact the leave transfer coordinator in their servicing personnel office
- **CO** employees may access BBS, PROGRAMS, "CO Leave Recipients".

**Note:** County Offices may **FAX** information on an approved CO recipient to the attention of Sally Reed at 202-418-9129 for posting to BBS.

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## 5 Responsibilities and Actions

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### A

#### Supervisory Action

Managers and supervisors shall:

- **discuss** leave plans with employees needing to use **excess** annual leave
- request SF-71 be completed to schedule the use of **excess** annual leave

**Note:** SF-71's should be submitted and approved **no later than** November 17, 2000.

- **approve** SF-71's submitted for use of excess annual leave or compensatory time

**Note:** If the use of excess annual leave must be denied or is later canceled, the supervisor shall write "**canceled**" or "**denied**" across SF-71 and note the reason.

- **advise** any employee, who has applied for a **disability retirement**, to use their excess annual leave or risk forfeiture at the end of the LY, **unless** they are an approved leave recipient.
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### B

#### Employee Action

Employees shall:

- estimate their annual leave balance at the end of LY 2000 to determine whether they have excess annual leave to use or lose and be sure to include accruals for pay period 27
- review and determine whether any compensatory leave hours should be used before the end of the LY

**Note:** See paragraph 3.

- schedule the use of **excess** annual leave by submitting SF-71 to your first line supervisor by November 17, 2000
  - **retain** any SF-71's, where the use of excess annual leave has been denied or canceled because of an exigency of public business.
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## 6 Exigencies of Public Business

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### A

#### Definition - Exigency of Public Business

The following is the legal definition of an exigency of public business:

An exigency occurs when a critical need is sudden or unexpected, an emergency, or a pressing necessity, characterized by additional work with deadlines required by statute, Executive Order, court order, regulation, or formal directive from the head of an agency or designee.

**Note:** A heavy workload or recurring cyclical peak, alone, does **not** constitute an exigency.

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### B

#### Exigency Considerations

Exigency requests shall be considered on an individual, case-by-case, and situation-by-situation basis on or after November 20, 2000. Questions about the appropriateness of an exigency request should be discussed with an approving official or their designee according to subparagraph C.

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### C

#### Approving Officials

Only the Administrators of FAS, RMA, and FSA or their designees have the authority to declare and/or approve an exigency of public business. FSA designees are:

- Deputy Administrators
- SED's
- Director or designee, KCAO, KCCO, KCFO, KC-ITSDO, KC-ITSTO, APFO.

**Note:** The approval of an exigency allows your servicing personnel office to **restore** an employee's forfeited annual leave.

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### D

#### Exigency Approval Process

To request an exigency, the requesting employee or office shall prepare and send a short memorandum addressed to their **approving official**, according to subparagraph C, stating and including:

- the employee's name and SSN
  - the number of annual leave hours to be restored
  - the reason for the exigency request
  - copies of employees "canceled or denied" SF-71's
  - signature of employee's supervisor
  - date.
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## 6 Exigencies of Public Business (Continued)

### E

#### Exigency Approved

Once the exigency memo is approved, **FAX** or deliver the memorandum and its attachments to the appropriate **Exigency/Restoration Coordinator** for processing. See subparagraph 7 A.

**Note:** All approved exigency requests should be received by the Exigency/Restoration Coordinators **by the end of pay period 1, 2001**, if possible.

## 7 Contacts and Other Important Information

### A

#### Contacts

Please forward all **approved** exigency requests to the appropriate Exigency/Restoration Coordinator listed in the following table **by the end of pay period 1, 2001, for processing**.

Also, if there are any questions about this notice, contact your Coordinator.

Location	Exigency/Restoration Coordinator
FSA County Office (CO employees)	State Office
KCAO KCFO KC-ITSDO KC-ITSTO State Offices, except SED's APFO FSA County Offices (GS employees)	Carolyn Layden, KCAO, PD 816-926-6709 (voice) 816-926-5609 (FAX)
RMA (Kansas City Offices) KCCO State Offices, except SED's FSA County Offices (GS employees)	Myrna Highlander, KCAO, PD 816-926-6184 (voice) 816-926-5609 (FAX)
FAS and FSA National Office RMA, except Kansas City SED's	Sally Reed, HRD, PMBAB 202-418-9032 202-418-9129 (FAX) E-Mail: Sally_Reed@wdc.fsa.usda.gov

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7 Contacts and Other Important Information (Continued)

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**B**

**Exigency/  
Restoration  
Actions**

Restorations of annual leave will be processed no earlier than **pay period 2, 2001**.  
Exigency/ Restoration Coordinators will process **approved exigencies** by:

- verifying that exigency memos have been approved
  - verifying that canceled or denied SF-71's are received
  - verifying that the amount of annual leave requested for restoration **matches** the amount of annual leave that the NFC database shows as forfeited by the employee in LY 2000
  - restoring the employee's forfeited annual leave in the NFC database
  - advising the employee and their timekeeper when the restoration is complete.
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**C**

**Using Restored  
Annual Leave  
Change**

Because of a revised interpretation of the regulations governing the period of time allowed for using restored annual leave, employees approved for a LY 2000 restoration of forfeited annual leave will have approximately **2 leave years** in which to use their restored annual leave, **not** 3 years. Employees who have annual leave restored in pay period 2, 2001 shall have the balance of LY 2001 and all of LY 2002 in which to use their restored annual leave. Any restored annual leave that is not used within this timeframe must be forfeited.

Annual leave restored in past LY's will be honored for the period of time for which the restoration was originally approved, which in most cases will be 3 leave years.

**Note:** Exigency/Restoration Coordinators: Take note that the NFC database has also been reprogrammed for this 2-year change.

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